

March 8, 2013

To: House Judiciary Committee
From: Cindy Weese, executive director, YWCA Missoula
Re: SB 306 sponsored by Senator Olson – Revise Partner Family Member Assault Laws

Dear Chairman Kerns and Members of the House Judiciary Committee:

YWCA Missoula appreciates the opportunity to submit written testimony in support of SB 306. My name is Cindy Weese, and I am the executive director of YWCA Missoula. We are a 501(c)3 nonprofit organization dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all. We strongly support Senate Bill 306 sponsored by Senator Olson.

SB 306 would amend the existing PFMA statute to remove the language “persons of the opposite sex.” This change is vitally important.

The rates of domestic violence in same-gender relationships are roughly the same as domestic violence against heterosexual women. As in opposite-gendered couples, the problem of domestic violence among same-sex couples is likely underreported. Compounding this issue is the fear of facing a system that has a history of being oppressive and hostile towards those who identify as Lesbian, Gay, Bisexual or Transgender, Queer and Intersexed (LGBTQI). As a result, LGBTQI survivors are often afraid of revealing their sexual orientation or the nature of their relationship and therefore may have an even lower reporting rate than survivors of violence in heterosexual relationships.

Same-sex couples involved in abusive relationships face additional barriers than their heterosexual counterparts:

- Partners may threaten to out someone as a way of controlling or intimidating the other person.
- Utilizing existing services (such as a shelter, attending support groups or calling a crisis line) either means lying or hiding the gender of the batterer to be perceived (and thus accepted) as a heterosexual. Or it can mean "coming out," which is a major life decision. If members of the LGBTQI community come out to service providers who are not discreet with this information, it could lead to the victim losing his/her home, job, custody of children, etc.
- If their lives are financially intertwined, such as each paying a rent or mortgage and having "built a home together", they have no legal process to assist in making sure assets are evenly divided, a process which exists for their married, heterosexual counterparts.

for every woman

- Even if a survivor does report or access services, s/he faces additional barriers. Police officers, prosecutors, judges, advocates and other service providers often have inadequate levels of experience and training to work with LGBTQI victims. Additionally, many states like Montana have insufficient or non-existent laws that can be enforced to protect victims of same-sex relationship violence.

Montana is one of three states that explicitly *excludes* same-sex survivors of domestic violence from protection under criminal laws. Within the last ten years, many states have altered laws to be more gender neutral, affording protection to anyone who has been abused or threatened by someone they've lived with or had an intimate dating relationship with, regardless of the gender of either party. Unless our state statutes clearly provide guidance for law and court personnel, even the most issue-conscious and well-meaning police officers, prosecutors and judges don't have statutory ability to take action on behalf of same-sex victims of domestic violence under the umbrella of "domestic violence laws." Illinois, Ohio, Kentucky and Hawaii have laws that specifically ALLOW victims in same-sex relationships to get a domestic violence restraining order. Montana's laws specifically DENY these victims from receiving a protection order.

We believe it is imperative to provide equal protections to same-sex victims of intimate partner violence. By removing the language, "with a person of the opposite sex" from the definition of partner, *all* victims of domestic violence will have an opportunity for justice.

Thank you for your time and attention to this important issue. I strongly urge you to vote YES on SB 306 and move it to the House floor for consideration. If you have questions, I am available to provide further information.

Sincerely,

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